

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael Gauselmann		
Assignee:	Atronic International GmbH		
Title:	Awarding Of Game Features In A Gaming Machine		
Serial No.:	10/655,950	Filing Date:	September 4, 2003
Examiner:	Wei Li	Group Art Unit:	3714
Docket No.:	ATR-A-123	Conf. no.:	8895

San Jose, California
June 28, 2010

Mail Stop Appeal Brief
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF PURSUANT TO 37 CFR 41.37

Dear Commissioner:

This Appeal is from the examiner's final rejection, dated December 10, 2009, and the Advisory Action, dated February 23, 2010. A Notice of Appeal was filed on March 22, 2010 for a Pre-Appeal Request for Review.

I. REAL PARTY IN INTEREST

The real party in interest is Atronic International GmbH.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 are pending and have been rejected. Dependent Claims 7, 9, 10, 13, 14, 22, 25, 29, and 30 have been withdrawn and would be

allowable if the base claims were allowable. The remaining claims are cancelled. Claims 1 and 17 are independent and are generally parallel method and structure claims.

The rejection of all Claims 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 is being appealed.

IV. STATUS OF AMENDMENTS

All amendments have been entered. There have been no amendments after the final office action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1 and 17 are the only independent claims and are similar. Claim 1 is reproduced below.

1. A gaming method comprising:

displaying a base game, the base game having a plurality of possible outcomes;

triggering a selection of one or more features to be applied to the base game by a triggering event;

in response to the triggering event, randomly selecting one or more features to be applied to the base game, the one or more features providing a temporary enhancement to the base game to be applied to at least one subsequent base game, the one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game; and

also in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply.

In Claim 1, a base game is displayed, which may be a conventional slot machine game (Figs. 1 and 2; page 3, lines 24-27). The base game can be the random selection of symbols in rows and columns, as recited in Claim 12. Upon a triggering event happening, such as a special symbol combination, one or more features are randomly selected to be applied to one or more subsequent base game (Fig. 1; page 4, line 14, to page 5, line 20). Importantly, the randomness in the selection

of a feature is not part of any randomness in the triggering event occurring, since the random selection of a feature occurs after the triggering event. The one or more features provide a temporary enhancement to the base game to be applied to at least one subsequent base game, where the one or more features act to increase an award value or increase a player's chances of winning an award when playing the base game. For example, the randomly selected feature may be a certain award multiplier or making a certain symbol become a wild symbol (Fig. 1, selector 32; page 5, lines 1-6).

In addition to the feature being randomly selected, there is a separate step of then randomly selecting the number of subsequent base games, equal to one or more, to which the one or more features will apply. This step is embodied in the "power games selector 30" in Fig. 1, described on page 4, lines 14-25, of the specification.

The only issue in this appeal is whether the prior art suggests the second step of randomly selecting the number of subsequent base games, equal to one or more, to which the one or more randomly selected features will apply.

Claim 17 is similar to Claim 1 and recites "one or more selectors" for making the random selection of the features and the number of subsequent games to which the selected feature applies (Fig. 1, selector 30, page 4, lines 14-25). Claim 17 recites this limitation as follows: "a second display area for displaying one or more selectors randomly selecting the one or more features to be applied to the base game in response to the triggering event, the second display area also for displaying the one or more selectors for randomly selecting a number of subsequent base games, including one or more subsequent base games, to which the one or more features will apply."

The following self-explanatory dependent claims identify features that can be randomly selected and identify the type of base game:

5. The method of Claim 1 wherein randomly selecting comprises randomly selecting a wild card symbol to be applied to the base game. (Page 4, lines 5-6; Fig. 1, selector 34)

6. The method of Claim 1 wherein randomly selecting comprises randomly selecting an award multiplier to be applied to the base game. (Page 4, lines 1-4; Fig. 1, selector 32)

8. The method of Claim 1 wherein randomly selecting comprises randomly selecting a symbol that pays an award in the base game. (Page 6, lines 17-18)

12. The method of Claim 1 wherein displaying the base game comprises displaying a random selection of symbols in at least one row and a plurality of columns. (Page 3, lines 24-27; Fig. 2)

20. The device of Claim 17 wherein the second display area displays a selector for randomly selecting a wild card symbol applicable to the base game. (Page 4, lines 5-6; Fig. 1, selector 34)

21. The device of Claim 17 wherein the second display area displays a selector for randomly selecting an award multiplier applicable to the base game. (Page 4, lines 1-4; Fig. 1, selector 32)

23. The device of Claim 17 wherein the second display area displays a selector for randomly selecting a symbol that pays an award in the base game. (Page 6, lines 17-18)

28. The device of Claim 17 wherein the first display area displays a random selection of symbols in at least one row and a plurality of columns. (Page 3, lines 24-27; Fig. 2)

The remaining claims stand or fall together depending on the allowability of Claims 1 and 17.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to be reviewed on appeal is the rejection of independent Claims 1 and 17, and dependent Claims 5, 6, 8, 12, 20, 21, 23, and 28 under 35 USC 103 as being unpatentable over Nordman (US 6,905,407) in view of Crawford (US 6,270,412).

VII. ARGUMENT

Rejection of Claims 1, 5, 6, 8, 12, 17, 20, 21, 23, and 28 Under 35 USC 103

The only claim element at issue is the random selection of the number of subsequent base games to which the one or more features will apply in response to the triggering event. This refers to the “power games selector 30” in Fig. 1, described on pages 4-5 of the specification. So, in Claims 1 and 17, not only is the feature randomly selected in response to the triggering event, but the number of games to which the feature is applied is separately randomly selected in response to the triggering event.

The examiner rejected all pending Claims 1-3, 5, 6, 8, 11, 12, 15-18, 20, 21, 23, 24, and 26-28 under 35 USC 102(b) as being unpatentable over Nordman (US 6,905,407) in view of Crawford (US 6,270,412).

Nordman discloses various embodiments of bonus features that are enabled upon a triggering event. This is conventional. There is no suggestion at all in Nordman for the extra step of “randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply.” On page 4 of the final office action, the examiner agrees that Nordman does not teach this step. Once one of the Nordman features is randomly selected, there is no further random determination.

The examiner cites Crawford for Crawford’s teaching of a player or the gaming machine saving symbols from one base game and then applying the saved symbols to any subsequent base game to achieve a winning symbol combination. In Crawford, if a player likes a particular symbol that appears on a stopped reel 40-42 (Fig. 3), or if the gaming machine automatically selects a symbol from a stopped reel, that symbol is saved in a separate display area 56-58 until the player or gaming machine desires to use it in a subsequent symbol combination across the reels.

An example of Crawford’s machine, in his Fig. 3, is shown below.

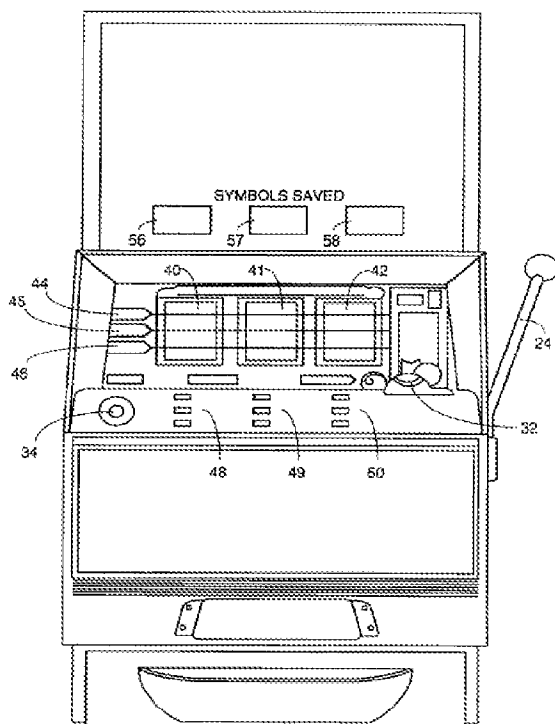


FIG. 3

It is respectfully submitted that there is no suggestion in Crawford of the step of “in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply.” This step is completely absent in Crawford. It would make no sense for Crawford’s gaming machine to randomly select the number of base games to apply to a saved symbol, since the saved symbol is to be applied to whatever game would give the player the highest winning combination. There is no predetermination in Crawford, in response to a triggering event, of how many games to which the saved symbol can be applied. Only when the player uses a saved symbol is that saved symbol extinguished (col. 4, lines 43-45). So a saved symbol is applied to only a single game whenever the player or machine decides that the saved symbol would create a valuable combination.

It is respectfully submitted that the examiner is trying to reject the claims when there is no suggestion for the claims.

The examiner stated on page 3 of the final office action,

Crawford et al., however, teaches a gaming system wherein one or more features randomly selected is saved for the next or subsequent game (see abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the user a game symbol saving option, as taught by Crawford et al., to the game system of Nordman to enhance game experience, and further, allow the player to continue the game with the saved game feature to encourage the player to play the game again, thus increase casino revenue.

It is respectfully submitted that the number of games to which the Crawford symbol-save feature is applied is not randomly selected in response to the triggering event. Applicant’s claims cannot be broadly construed to cover some randomness in the number of games before a player or Crawford’s machine actually uses a saved symbol, since, in that case, there is still no random selection of a number of games in response to the triggering event.

Even if the Crawford symbol save feature were applied to Nordman, there would be no step of “in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply.”

In the Advisory Action, the examiner stated,

Furthermore, Applicant’s argument regarding no randomness involved in the saved symbols of Crawford et al. is deemed not to be persuasive. Crawford teaches that the

symbols to be saved are being generated by a random number generator in the program ROM 38 (3:7-10); and that the machine automatically save the symbols to be used in subsequent games 57-64.”

It is respectfully submitted that it is not relevant that the symbols are randomly generated and that, in some of Crawford’s embodiments, the machine automatically saves the symbols. Applicant’s main argument here is that, in Crawford, there is no random selection step, in response to the triggering event, that predetermines how many base games to which the feature is to be applied. This claim element is unrelated to the randomness of the symbols themselves.

Claims 1 and 17 have the same patentable features. Accordingly, since all claims depend on Claims 1 and 17, it is respectfully submitted that all claims are allowable.

Additionally, the structure of Claim 17 includes a display area showing one or more selectors for randomly selecting the number of games to which the feature applies. Crawford is inconsistent with such a displayed selector. The limitation in Claim 17 is as follows:

a second display area for displaying one or more selectors randomly selecting the one or more features to be applied to the base game in response to the triggering event, the second display area also for displaying the one or more selectors for randomly selecting a number of subsequent base games, including one or more subsequent base games, to which the one or more features will apply.

The limitations in dependent Claims 5, 6, 8, 20, 21, and 23 recite examples of features that may be randomly selected. Claims 5, 6, 8, 20, 21, and 23 are specifically mentioned in this Appeal Brief in the event that the term “feature” is given a meaning by the Board that was not intended by the Appellant. The limitations in dependent Claims 12 and 28 identify the base game as a symbol selection game and are specifically mentioned in this Appeal Brief in the event that the term “base game” is given a meaning by the Board that was not intended by the Appellant.

Please telephone the undersigned at (408) 382-0480 ex. 202, if there are any questions or suggested claim amendments.

Accordingly, since the independent claims have been shown to be allowable over the combination of all the cited art, it is respectfully submitted that all claims are allowable. Should the Board or the examiner have any questions or claim clarifications, please call the undersigned at (408) 382-0480 x202.

Certificate of Electronic Transmission
I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office using EFS-Web on the date shown below.

/Brian D Ogonowsky/
Attorney for Applicant(s)

June 28, 2010
Date of Signature

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. (rejected) A gaming method comprising:

displaying a base game, the base game having a plurality of possible outcomes;

triggering a selection of one or more features to be applied to the base game by a triggering event;

in response to the triggering event, randomly selecting one or more features to be applied to the base game, the one or more features providing a temporary enhancement to the base game to be applied to at least one subsequent base game, the one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game; and

also in response to the triggering event, randomly selecting a number of subsequent base games, equal to one or more, to which the one or more features will apply.

2. (rejected) The method of Claim 1 wherein triggering a selection comprises displaying a certain symbol combination in the base game.

3. (rejected) The method of Claim 2 wherein triggering a selection comprises displaying at least three matching symbols across a payline in the base game.

4. (cancelled)

5. (rejected) The method of Claim 1 wherein randomly selecting comprises randomly selecting a wild card symbol to be applied to the base game.

6. (rejected) The method of Claim 1 wherein randomly selecting comprises randomly selecting an award multiplier to be applied to the base game.

7. (withdrawn) The method of Claim 1 wherein randomly selecting comprises randomly selecting a symbol that is to be a scatter symbol in the base game.

8. (rejected) The method of Claim 1 wherein randomly selecting comprises randomly selecting a symbol that pays an award in the base game.

9. (withdrawn) The method of Claim 1 wherein randomly selecting comprises displaying on a video screen one or more rotating wheels that display possible outcomes and displaying stopping the one or more rotating wheels to display a random selection.

10. (withdrawn) The method of Claim 1 wherein randomly selecting comprises displaying one or more motor-driven rotating wheels that display possible outcomes and stopping the one or more rotating wheels to display a random selection.

11. (rejected) The method of Claim 1 wherein randomly selecting one or more features comprises randomly selecting a wild card symbol, and randomly selecting an award multiplier.

12. (rejected) The method of Claim 1 wherein displaying the base game comprises displaying a random selection of symbols in at least one row and a plurality of columns.

13. (withdrawn) The method of Claim 1 wherein randomly selecting comprises randomly selecting a symbol whose displays in the base game are accumulated and used by the player for a function.

14. (withdrawn) The method of Claim 1 wherein randomly selecting comprises randomly selecting a symbol whose displays in the base game are accumulated and used by the player to perform additional random selections of the one or more features.

15. (rejected) The method of Claim 1 further comprising extinguishing the one or more features randomly selected when a player cashes out of a gaming device running the base game.

16. (rejected) The method of Claim 1 further comprising saving into a memory the one or more features randomly selected when a player cashes out of a gaming device running the base game so the player may use the one or more features at a later time.

17. (rejected) A gaming device comprising:

a first display area for displaying a base game, the base game having a plurality of possible outcomes; and

at least one processor for triggering a selection of one or more features to be applied to the base game in response to a triggering event, the one or more features providing a temporary enhancement to the base game to be applied to at least one subsequent base game,

the one or more features acting to increase an award value or increase a player's chances of winning an award when playing the base game;

the at least one processor also for triggering a selection of one or more subsequent base games to which the one or more features will apply; and

a second display area for displaying one or more selectors randomly selecting the one or more features to be applied to the base game in response to the triggering event, the second display area also for displaying the one or more selectors for randomly selecting a number of subsequent base games, including one or more subsequent base games, to which the one or more features will apply.

18. (rejected) The device of Claim 17 wherein the triggering event is a certain symbol combination in the base game.

19. (cancelled)

20. (rejected) The device of Claim 17 wherein the second display area displays a selector for randomly selecting a wild card symbol applicable to the base game.

21. (rejected) The device of Claim 17 wherein the second display area displays a selector for randomly selecting an award multiplier applicable to the base game.

22. (withdrawn) The device of Claim 17 wherein the second display area displays a selector for randomly selecting a scatter symbol in the base game.

23. (rejected) The device of Claim 17 wherein the second display area displays a selector for randomly selecting a symbol that pays an award in the base game.

24. (rejected) The device of Claim 17 wherein the second display area comprises a video display.

25. (withdrawn) The device of Claim 17 wherein the second display area comprises one or more motor-driven rotating wheels that display possible outcomes and stop to display a random selection.

26. (rejected) The device of Claim 17 wherein the first display area and the second display area are physically separate locations.

27. (rejected) The device of Claim 17 wherein the second display area displays a first selector for randomly selecting a number of games to which the one or more features apply, a second selector for randomly selecting a wild card symbol, and a third selector for randomly selecting an award multiplier.

28. (rejected) The device of Claim 17 wherein the first display area displays a random selection of symbols in at least one row and a plurality of columns.

29. (withdrawn) The device of Claim 17 wherein the second display area displays a selector that randomly selects a symbol whose displays in the base game are accumulated and used by the player for a function.

30. (withdrawn) The device of Claim 17 wherein the second display area displays a selector that randomly selects a symbol whose displays in the base game are accumulated and used by the player to perform additional random selections of the one or more features.

IX. EVIDENCE APPENDIX

There is no evidence in this appendix.

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings in this appendix.